

BAYS AND OTHER HISTORIC WATERS

Article ...

For a bay to be considered as historic each of the following requirements must be met:

- (a) That the coastal State claiming it to be such has possessed the waters of the bay in question continuously, peacefully and for a long time, by excluding vessels and fishermen of other States, pursuant to laws, regulations, and repeated and continuous public provisions;
- (b) That this practice is expressly or tacitly accepted by third States, and in particular by neighbouring States;
- (c) That it is absolutely necessary for the coastal State to have full possession of the bay for reasons of defence or of economic interests peculiar to the zone the existence and importance of which are clearly confirmed by long use.

Article ...

An historic bay may be closed by the coastal State by means of a straight closing line across its mouth from the natural entrance points of the bay in question ("inter fauces terrarum") and the waters enclosed by the coast and the said line shall be considered as internal waters.

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A bay whose coasts belong to two or more States and which meets the requirements laid down in Article ... shall be regarded as historic only by agreement between the coastal States. Such agreement shall specify the closing line of the bay and the limits of the respective maritime spaces.

The coastal State or States shall notify the International Hydrographic Bureau of the agreement or agreements mentioned in the previous paragraph and shall mark them on the large-scale charts prepared by the respective States. In the absence of such notification the régime of historic bays shall not be applicable to the bay in question.

Article ...

The foregoing provisions shall apply mutatis mutandis to the recognition of historic waters other than bays. The coastal State may claim such waters as internal waters or as territorial sea, depending on the type of jurisdiction it has exercised over them.

State Dept. review completed

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